IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.24 OF 2005

IN

WRIT PETITION NO. 60 OF 2004

Crystal Enclave Co-op. Hsg. Soc. Ltd. .. Petitioners

Versus

Municipal Corporation of Gr. Mumbai

and Others .. Respondent

Mrs.Sumedha Rao for the Petitioners

Ms. S. Ajitkumar for the Respondent No.1- B.M.C.

Mr. A.G. Damle for the Respondent No.4.

Mr. N.G. Bhat for the Respondent No.5.

CORAM : S.K. SHAH, J.

DATED : 30.9.2005

P.C.-

1. Heard.

2. By order dated 7th July, 2004, the Architect, Builder had made a statement that they will comply with all the conditions mentioned in para - 4[c] of the affidavit filed by the Respondent Nos. 1 and 2. There were eight conditions specified in the said affidavit. There is no

dispute and as it is clear from the affidavit filed by Mr.

Kulkarni, the Executive Engineer [Building and Proposal] working with the Respondent No.1, that the condition Nos. 1, 2, 5, 6 and 8 have been complied with. The affidavit, however, mentions that condition Nos. 3, 4 and 7 have not been complied with.

3. As regards condition No.3, it is with regard to payment of property taxes. The Learned Counsel for the Petitioner as well as the Builder - Respondent No.4 state that they will be jointly complying with this condition.

4. As regards condition No.4, the Learned Counsel for the Builder - Respondent No.4 submits that some clarification is required with regard to the same and he will be approaching the Division Bench for obtaining necessary orders.

5. As regards condition No.7, it relates to the obtaining of N.A. Permission. There is no dispute that the N.A. Permission has been obtained from the B.M.C. This condition, however, also relates to the amalgamated P. R. Card. As that condition depends upon the compliance of the condition No.4, the Learned Counsel for the Builder - Respondent No.4 states that he will get clarification from

the Division Bench.

6. Learned Counsel for the Respondent No. 4 - Builder submits that he will approach the Division Bench for seeking clarification in respect of the two condition Nos. 4 and 7 within four weeks.

7. In view of the above circumstances, there is substantial compliance of the order dated 7th July, 2004 and, therefore, the Contempt Petition No. 24 of 2005 stands disposed of.

[S.K.SHAH, J.]